The quality of one’s spiritual outlook can be just as much conditioned by one’s material surroundings as can one’s physical comfort. The ability to engage in international trade has been described as the transnational economic right of the individual. The manner in which the international trading system responds to this right and to the physical and spiritual condition of the individual is itself a measure of the system’s functioning. Similarly, the significance of international trade has a bearing on the well-being of a state and its transnational economic rights.

Both the economic rights of the individual and those of the State raise as many concerns relating to the nature of the substantive law of international trade as do considerations pertaining to the efficacy of the international trading system. Any focus on international trade law and its implementation cannot be complete without incorporating also an acknowledgement of the normative attributes of the implementing function. The manner in which the international trading system is implemented contributes a further insight into the law, in addition to that provided by its formal sources. Further, of late the international trading system has become part of the agenda for non-trade-related matters. This not only in response to the undeniable relationships of trade with other spheres of concern, but also through an appreciation of the international trading system as a potential mechanism for the enforcement of non-trade-related issues. Implementation in the international trading system thus takes on a peculiar importance.

Generally, in international trade the legal profession has played less than its share in the shaping of the system. Economists, on the other hand, have been at the forefront. This may well be their natural vocation. But just as economists need to realise that once the law has been formulated it acquires its own force, and in order to continue to understand its development it needs to be followed up from a legal viewpoint, so the legal profession must ensure that that insight remains unobstructed. So far as implementation is concerned the legal profession has been preoccupied with dispute settlement.

and the national ‘judicialization’\(^2\) of international claims. The initiatives in so far as other techniques of implementation are concerned are on the whole to be found elsewhere. This contribution does not claim to redress this imbalance in the attention accorded to different implementation techniques, but is rather an attempt at placing the fact of this imbalance on the agenda.

In this light this book provides a basic guide to the new WTO code of conduct, and then focuses on the problems and issues arising in relation to its implementation. This is the perspective and emphasis here. Part I outlines the setting for this perspective. In this section the institutional aspects of the WTO are considered, along with an explanation of the substantive provisions of the WTO code. This entails an examination of the GATT 1994, and the various agreements arising from the Uruguay Round Of Multilateral Trade Negotiations. Part II comprises in a sense the core of this contribution. It consists of a general examination of the various techniques employed in order to ensure the implementation of the WTO code. Chapter 3 of this Part presents the theory of the techniques of implementation. Chapter 4 is an examination of the various elements of the implementation techniques employed in the WTO code, other than the Trade Policy Review and Dispute Settlement Mechanisms. Chapter 5 focuses on dispute settlement. This, of course, is an important technique of implementation. Much has, however, already been written in this field. For this reason in this book dispute settlement has not been as extensively considered as it otherwise might have been, and ought to be. Chapter 6 comprises an examination of the Trade Policy Review Mechanism. Chapter 7 focuses on preconditions in the framework of implementation. Part III has a specific focus on the issues and problems of implementation in so far as they relate to developing countries and trade ‘blocs’.

It is hoped that this duality in the book, in both providing the basic elements of international trade law and placing its own particular focus on implementation, will be of value both to the functionary in this field and to those concerned with its further development.

\(^2\)ibid.